



General Assembly

January Session, 2011

Raised Bill No. 1211

LCO No. 4822

04822_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING POSTJUDGMENT INTEREST.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-356d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) When a judgment is rendered against a natural person, the
4 judgment creditor or judgment debtor may move the court for an
5 order for installment payments in accordance with a money judgment.
6 After hearing and consideration of the judgment debtor's financial
7 circumstances, the court may order installment payments reasonably
8 calculated to facilitate payment of the judgment.

9 (b) In the case of a consumer judgment, the court may provide that
10 compliance with the installment payment order, other than with an
11 order for nominal payments pursuant to subsection (c) of this section,
12 shall stay any property execution or foreclosure pursuant to that
13 judgment, provided such a stay is reasonable considering the nature of
14 the debt and the financial circumstances of the judgment debtor. In the
15 case of a judgment arising out of services provided at a hospital, the
16 court shall provide that compliance with the installment payment

17 order shall stay any property execution or foreclosure pursuant to that
18 judgment, including, but not limited to, execution on wages, execution
19 on bank accounts, and execution on or foreclosure of real property.

20 (c) Notwithstanding the hearing requirement of subsection (a) of
21 this section, on motion of the judgment creditor for an order of
22 nominal payments, the court shall issue ex parte, without hearing, an
23 order for nominal installment payments. The amount which shall
24 constitute an order of nominal payments shall be set by the judges of
25 the Superior Court. Such an order for nominal payments may be
26 modified on motion of either party after hearing and consideration of
27 the judgment debtor's financial circumstances.

28 (d) An installment payment order shall not be enforced by contempt
29 proceedings, but on the judgment debtor's default on payments
30 thereon, the judgment creditor may apply for a wage execution
31 pursuant to section 52-361a.

32 (e) Interest on a money judgment at the rate of ten per cent a year,
33 and no more, shall [continue to] be recovered and allowed and shall
34 accrue under any installment payment order on such portion of the
35 judgment as remains unpaid.

36 (f) On motion of either party and after notice and hearing or
37 pursuant to a stipulation, the court may make such modification of an
38 installment payment order as is reasonable.

39 Sec. 2. Subsection (a) of section 37-3a of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2011*):

42 (a) Except as provided in sections 37-3b, 37-3c, [and] 52-192a and 52-
43 356d, as amended by this act, interest at the rate of ten per cent a year,
44 and no more, may be recovered and allowed in civil actions or
45 arbitration proceedings under chapter 909, including actions to recover
46 money loaned at a greater rate, as damages for the detention of money

47 after it becomes payable. Judgment may be given for the recovery of
48 taxes assessed and paid upon the loan, and the insurance upon the
49 estate mortgaged to secure the loan, whenever the borrower has
50 agreed in writing to pay such taxes or insurance or both. Whenever the
51 maker of any contract is a resident of another state or the mortgage
52 security is located in another state, any obligee or holder of such
53 contract, residing in this state, may lawfully recover any agreed rate of
54 interest or damages on such contract until it is fully performed, not
55 exceeding the legal rate of interest in the state where such contract
56 purports to have been made or such mortgage security is located.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2011</i>	52-356d
Sec. 2	<i>October 1, 2011</i>	37-3a(a)

Statement of Purpose:

To clarify that whenever the court orders installment payments in accordance with a money judgment, postjudgment interest shall be automatically granted and shall accrue on any portion of the judgment that remains unpaid.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]